

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
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BRANDON S. JUDKINS,

Plaintiff,

v.

POLO RALPH LAUREN CORPORATION,

Defendant.

CAUSE NO.

Jury Trial Requested

1:11-cv-0661 RLY-DML

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Brandon S. Judkins, files this Complaint for Patent Infringement against Polo Ralph Lauren Corporation ("Ralph Lauren").

I. THE PARTIES

1. Mr. Judkins is a resident of Indianapolis, Indiana. Mr. Judkins resides at 228 East Saint Joseph Street, Indianapolis, Indiana, 46202.

2. Ralph Lauren is a corporation organized and existing under the laws of the State of Delaware and, upon information and belief, maintains its principal place of business at 650 Madison Avenue, New York, New York, 10022.

II. JURISDICTION AND VENUE

3. Mr. Judkins hereby realleges and incorporates by reference, as if fully set forth herein, his aforestated allegations in paragraphs 1-2, *supra*.

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Ralph Lauren. Ralph Lauren has conducted, and does conduct, business within the State of Indiana and the Southern District of Indiana. Ralph Lauren, directly, or through intermediaries (including agents, contractors, distributors, dealers, resellers, wholesalers, and/or others), ships, distributes, offers for sale, sells, and advertises various products in the State of Indiana and the Southern District of Indiana. As set forth in paragraphs 11-17, *infra*, Ralph Lauren has committed the tort of patent infringement, and has contributed to and induced acts of infringement by others, within the State of Indiana and the Southern District of Indiana.

6. Venue is proper in the Southern District of Indiana pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

III. PATENT INFRINGEMENT

7. Mr. Judkins hereby realleges and incorporates by reference, as if fully set forth herein, his aforestated allegations in paragraphs 1-6, *supra*.

8. Mr. Judkins owns all of the rights and interests in United States Design Patent No. D591,090 S ("the '090 Patent"). A true and accurate copy of the '090 Patent is attached hereto as Exhibit A.

9. The '090 Patent was duly and legally issued by the United States Patent and Trademark Office on April 28, 2009, after full and fair examination.

10. The '090 Patent relates to a design for a furniture article as shown and described in Exhibit A.

11. Ralph Lauren markets, distributes, offers to sell, and sells various products, including clothing, apparel, and other products (collectively, "Products"), through numerous retail stores and outlets throughout the United States, including within the State of Indiana and the Southern District of Indiana (collectively, "Ralph Lauren Retailers").

12. Ralph Lauren is infringing the '090 Patent directly by, without authority, importing into the United States, and/or making, using, selling, and/or offering for sale in the United States, including within the State of Indiana and the Southern District of Indiana, tables that embody the patented design claimed in the '090 Patent (the "Accused Tables").

13. Upon information and belief, Ralph Lauren, and/or one or more third parties on Ralph Lauren's behalf, has made and/or makes the Accused Tables in, and/or has imported and/or imports the Accused Tables into, the United States, including into the State of Indiana and the Southern District of Indiana.

14. Upon information and belief, Ralph Lauren has used and/or uses, and/or has provided and/or provides to various Ralph Lauren Retailers throughout the United States, including within the State of Indiana and the Southern District of Indiana, Accused Tables for the purposes of (a) storing, displaying, offering to sell, and/or selling its Products within such Ralph Lauren Retailers and/or (b) facilitating such Ralph Lauren Retailers' storage, display, and sales of its Products.

15. Examples of Ralph Lauren Retailers who use the Accused Tables to store, display, offer to sell, and/or sell Ralph Lauren's Products include, but are not limited to, Macy's Department Store, 6101 North Keystone Avenue, Indianapolis, Indiana 46220; Macy's Department Store 6020 East 82nd Street, Indianapolis, Indiana 46250; and Carson Pirie Scott 1 West Washington Street, Indianapolis, Indiana 46204.

16. Photographs of a representative sample of the Accused Tables are attached hereto as Exhibit B, and are included below alongside Figures 1-4 of the '090 Patent. The photographs appearing below and in Exhibit B are true and accurate reproductions of photographs Mr. Judkins

personally took using a digital camera at a Carson Pirie Scott and Macy's Department Store in Indianapolis, Indiana on or about February 4, 2011.

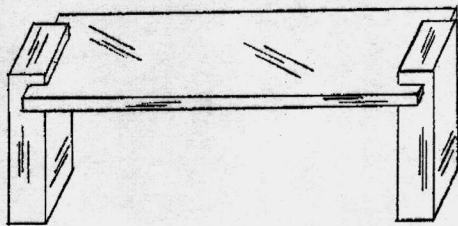
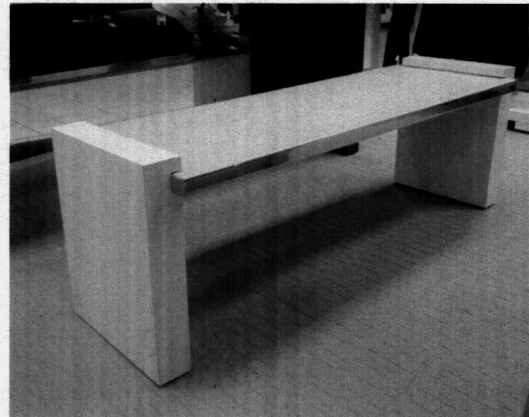


FIG. 1



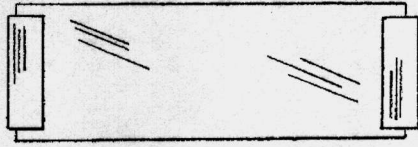


FIG. 2

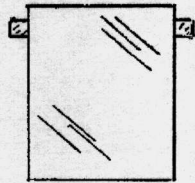
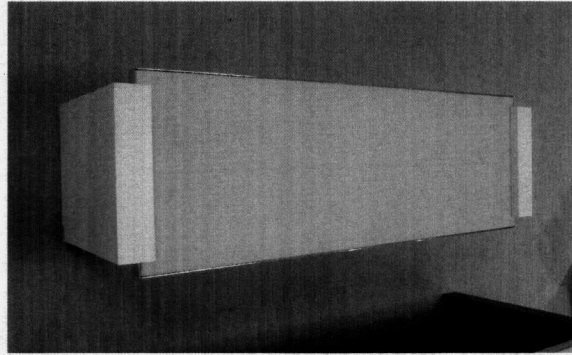


FIG. 3

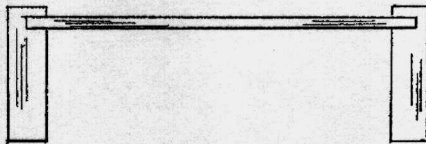
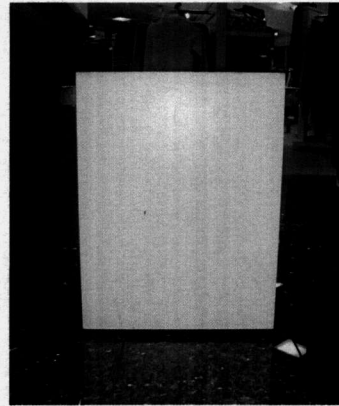


FIG. 4



17. Further, Ralph Lauren is actively, intentionally, and/or knowingly inducing and/or contributing to direct infringement of the '090 Patent by others, including, but not limited to, Ralph Lauren's agents, contractors, distributors, dealers, resellers, wholesalers, and others who make, use, sell, offer to sell, and/or import the Accused Tables, as well as the various Ralph Lauren Retailers.

IV. CLAIMS INCIDENT TO RALPH LAUREN'S INFRINGEMENT

18. Mr. Judkins hereby realleges and incorporates by reference, as if fully set forth herein, his aforestated allegations in paragraphs 1-17, *supra*.

19. On information and belief, Ralph Lauren will continue to infringe the '090 Patent, causing immediate and irreparable harm to Mr. Judkins, unless this Court permanently enjoins and restrains Ralph Lauren's activities.

V. PRAYER FOR RELIEF

WHEREFORE, Mr. Judkins respectfully requests that this Court enter judgment:

- A. Determining that United States Design Patent No. D591,090 S is valid, enforceable, and infringed by Ralph Lauren;
- B. Entering a permanent injunction against Ralph Lauren, enjoining Ralph Lauren; its respective directors, officers, agents, employees, successors, subsidiaries, assigns; and all persons acting in privity, concert, or participation with Ralph Lauren, from making, using, selling, or offering for sale in the United States, or importing into the United States, any and all products embodying the design claimed in the '090 Patent;
- C. Awarding Mr. Judkins such damages to which he is entitled, pursuant to 35 U.S.C. § 284;
- D. Awarding Mr. Judkins enhanced damages, pursuant to 35 U.S.C. § 284;
- E. Awarding Mr. Judkins pre-judgment and post-judgment interest as allowed by law;
- F. Awarding Mr. Judkins his costs, expenses, and fees, including reasonable attorneys' fees, pursuant to 35 U.S.C. § 285; and,
- G. Awarding Mr. Judkins such other and further relief as the Court deems just, equitable, and proper.

VI. REQUEST FOR TRIAL BY JURY

Mr. Judkins respectfully requests that all issues so triable be tried by and before a jury.

Dated: May 16 2011

Respectfully submitted,



Brandon S. Judkins

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